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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,372	12/22/2003	Asko Vetelainen	P2397US00	9337
36671 7590 07/14/2009 DITTHAVONG MORI & STEINER, P.C. 918 Prince St. Alexandria, VA 22314				
EXAMINER				
PANDYA, SUNT				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
07/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/743,372

**Applicant(s)**

VETELAINEN, ASKO

**Examiner**

SUNIT PANDYA

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-12, 15, 17 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 15, 17, and 19-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/09 has been entered.

### ***Response to Amendment***

This action is in response to amendments filed on 4/27/09, wherein the examiner acknowledges that claims 1, 3-4, 11-12, 15, 17, 19, and 23-28 are currently amended. Claims 2, 13-14, and 18 have been canceled and claims 29-32 are newly presented. Consequently, claims 1, 3-12, 15, 17, and 19-32 are currently pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-10, 12, 15, 17, and 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hardisty et al. (US Patent Publication 2004/0152517).

Claims 1, 15, 19, 23: Hardisty et al. discloses an electronic gaming device comprising a communication unit providing bi-directional communication with at least one other gaming device (0020 & 0021, wherein a server provides a bi-directional communications with multiple gaming devices), a memory to store contact information of at least one user of the at least one other gaming device, the contact information comprising an identifier of the one user and data about the multiplayer capable games supported by the at least one other device (0020-0022 memory of the server stores all the user information and also information regarding games supported by the device). Hardisty et al. also discloses a user interface containing a display (0027), and a controlling unit connected to the memory and the communication unit (0029), wherein the controlling unit is configured to generate a gaming request to the at least one other gaming device based on the stored contact information (0030-0034), the request containing an invitation to play a game supported by both devices and to display the contact information on the display (0039, 0041).

Claims 3, 20-21: Hardisty et al. discloses a controlling unit configured to detect a selection of a game in the displayed contact information and sending the gaming request on the basis of the selection (0028, 0038 & 0040-0041).

Claim 4: Hardisty et al. discloses controlling unit configured to detect the reception of a gaming request (0038), display the gaming request on the display (0039), and send a response to the sender of the request (0040).

Claim 5: Hardisty et al. discloses a controlling unit configured to start the game in the gaming device (0040).

Claims 6, 8-9, 26-28: Hardisty et al. discloses a controlling unit configured to set a timer when sending a gaming request with a predetermined timeout limit and if a response is not received within the timeout limit, the controlling unit is configured to display a message regarding the timeout on the display (0041 & 0044, wherein the controller returns a failed response of no positive response is sent within set time-out period).

Claims 7, 25: Hardisty et al. discloses an event log configured to store information of sent and received data (0036-0038).

Claims 10, 24: Hardisty et al. discloses controlling unit configured to block the reception of gaming requests (0044, wherein a player can stop the game request or block it by applying an unavailable mode).

Claim 12: Hardisty et al. discloses communication unit comprises a transceiver configured to use wired connections (0006).

Claim 17: Hardisty et al. discloses the device comprises keys, the device being configured to associate with at least one key a quick gaming number comprising an address of at least one user of another gaming device (0028, 0031-0033, 0035), to interpret the key press of the key associated with the quick gaming number as dialing of the quick gaming number when the key is pressed according to a predetermined rule and to send a gaming request to the at least one other gaming device, the request comprising an invitation to play a game supported by both devices (0038-0040).

Claim 22: Hardisty et al. discloses sending the gaming request using a messaging application (0029).

Claims 29-32: Hardisty et al. discloses receiving a response to the gaming request from the other device (0039) and to start the game in a multiplayer mode if the device responsive is a positive response (0040-0042).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardisty et al. in view of LaDue (US Patent 5,999,808).

Claim 11: Hardisty et al. discloses the communication unit configured to communicate over an internet network and the device is a computer. However, Hardisty et al. fails to disclose a cellular radio system and the device being a mobile device. In an analogous art, LaDue teaches a wireless gaming method utilizing cellular radio system as communication means for a mobile devices (col. 2: 11-25). It would have been obvious for one with ordinary skill in the art at the time of the invention, to have modified Hardisty to include a mobile device as taught by LaDue, to allow player accessibility to participate in a game from any remote location.

***Response to Arguments***

Applicant's arguments with respect to claim 1, 3-12, 15, 17, and 19-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-Th 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES S. MCCLELLAN/  
Primary Examiner, Art Unit 3714  
SP